

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Evgeny A. Freidman, Vladimir Basin, :
Mamed Dzhaniyev, Victory Taxi Garage :
Inc., Tunnel Taxi Management LLC, :
Downtown Taxi Management LLC, Bazar :
Taxi Inc., Patron Taxi LLC, Grappa Taxi :
LLC, Tequila Taxi LLC, Jack Daniels :
Taxi, LLC, Murzik Taxi Inc., Malinka :
Taxi Inc., Yagodka Taxi Inc., Persik Taxi :
Inc., Bratishka Taxi Inc., Pumo Taxi Inc., :
Piguet Inc., Kormilitsa Taxi Inc., Prada :
Taxi Inc., Student Taxi Inc., Hublot Taxi :
Inc., Torpedo Taxi Inc., Black Label Taxi :
LLC, Praga Taxi Inc., Two Hump Taxi, :
LLC, Kroshka Taxi Inc., Lacoste Taxi :
Inc., Sangria Taxi LLC, Volba Taxi Inc., :
Plaintiffs, :
-against- :
General Motors Corp., ElDorado :
National, Inc. and Arcola Sales & Service :
Corp., :
Defendants. :
:

Civil Action No. 1:08-CV-02458-SAS

**MOTION OF GENERAL MOTORS CORPORATION TO DISMISS
COMPLAINT OF PLAINTIFFS**

PLEASE TAKE NOTICE that upon the annexed affirmation of Timothy J. McHugh affirmed on April 30, 2008, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, defendant, General Motors Corporation, will move this Court, before the Honorable Justice Scheindlin, United States District Judge, for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. In support of its motion, General Motors relies on the

insufficient allegations of plaintiffs' Complaint, filed March 11, 2008, and the reasons set forth in the accompanying Memorandum of Law in Support of its Motion to Dismiss.

WHEREFORE, General Motors Corporation respectfully requests that the court enter an Order in the form attached dismissing, with prejudice, the Complaint of plaintiffs for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Dated: New York, New York

April 30, 2008

Respectfully submitted,

LAVIN, O'NEIL, RICCI, CEDRONE & DISIPIO

BY: s/ Timothy J. McHugh

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*Attorneys for Defendant,
General Motors Corporation*

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

JOANNE PETERS, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides in Fairfield County, Connecticut.

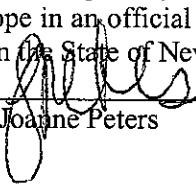
On April 30, 2008 deponent served the within Notice of Motion to Dismiss Complaint, Affirmation in Support of Motion to Dismiss, Memorandum of Law in Support of Motion of General Motors Corporation to Dismiss Complaint and Exhibits upon:

William Fried, Esquire
Herrick, Feinstein, LLP
2 Park Avenue
New York, NY 10016
212-592-1400
Attorneys for Plaintiffs

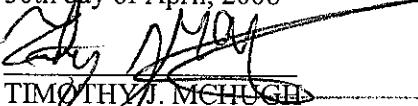
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Attorneys for ElDorado National, Inc.

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973-644-0770
Attorneys for Arcola Sales & Service Corp.

at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Joanne Peters

Sworn to before me this
30th day of April, 2008


TIMOTHY J. MCGUIRE
Notary Public, State of New York
No. 02MC506248
Qualified in Suffolk County
Commission Expires July 1, 2010